

Department of Health
Notice of Rulemaking Hearing
Board for Licensing Health Care Facilities
Division of Health Care Facilities

There will be a hearing before the Board for Licensing Health Care Facilities to consider the promulgation of amendment of rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 68-11-202 and 68-11-209. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Care Facilities Conference Room on the fifth floor of the Heritage Place Metrocenter located at 227 French Landing, Suite 501, Nashville, TN at 9:00 a.m. (CDST) on the 16th day of October, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Care Facilities to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Care Facilities, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-0508, (615) 741-7598.

For a copy of the entire text of this notice of rulemaking hearing visit the Department of Health's web page on the Internet at www.state.tn.us/health and click on "rulemaking hearings" or contact: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 227 French Landing, Suite 501, Heritage Place Metrocenter, Nashville, TN 37243, (615) 741-7598.

Substance of Proposed Rules

Chapter 1200-8-29

Standards for Homecare Organizations Providing Home Medical Equipment

Amendments

Rule 1200-8-29-.01, Definitions, is amended by deleting paragraph (32) in its entirety and substituting instead the following language, so that as amended, the new paragraph (32) shall read:

- (32) Medical Record. Information that pertains to confinement or services rendered to patients may include one or more of the following:
 - (a) medical histories;

- (b) records;
- (c) reports;
- (d) clinical notes;
- (e) summaries; or
- (f) orders.

If the patient does not require any clinical services from the home medical equipment company, the medical record will consist of the physician order only.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-207, 68-11-209, 68-11-210, 68-11-211, and 68-11-213.

Rule 1200-8-29-.04, Administration, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) Accreditation. Any home medical equipment provider accredited by the Joint Commission on Accreditation of Health Care Organizations, Community Health Accreditation Program or other approved accrediting bodies may submit documents evidencing current accreditation and shall be presumed to comply with the requirements of the Board. Licensing of a home medical equipment provider which has been accredited by the Joint Commission on Accreditation of Health Care Organizations, Community Health Accreditation Program or other approved accrediting bodies shall become effective upon written notification from the Board's staff that the accreditation meets the standards set out in the rules and regulations promulgated pursuant to T.C.A. §§ 68-11-201, et seq.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-222, and 71-6-121.

Rule 1200-8-29-.04, Administration, is amended by deleting part (5)(b)10. in its entirety.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-222, and 71-6-121.

Rule 1200-8-29-.04, Administration, is amended by adding the following language as new subparagraphs (5)(c), (5)(d), and (5)(e), so that as amended, the new subparagraphs (5)(c), (5)(d), and (5)(e) shall read:

- (5)(c) Medical equipment delivery technicians who deliver and install respiratory equipment shall be determined to be competent by their employer prior to independently delivering and setting up the respiratory equipment in a

patient's home. The home medical equipment supplier must maintain documentation to demonstrate that competency requirements are met. Standard competencies will include at a minimum the following:

1. Role responsibilities;
2. Cylinders;
3. Pressure regulators/Flow controllers;
4. Home liquid oxygen systems;
5. Oxygen concentrators;
6. Oxygen analyzers;
7. Humidifiers;
8. Low flow nasal cannula; and
9. Small volume medication nebulizers with air compressors.

(5)(d) Medical equipment delivery technicians shall be determined by their employer to be competent in their understanding of which acts they may and may not perform.

(5)(e) The Board may in its discretion, after consultation with the Tennessee Association for Home Care and the Tennessee Society for Respiratory Care, encourage the use of certain competency documents developed by these two organizations to ensure compliance with the provisions of (c) and (d).

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-222, and 71-6-121.

Rule 1200-8-29-.05, Admissions, Discharge and Transfers, is amended by deleting paragraph (3) in its entirety.

Authority: T.C.A. §§4-5-202, 4-5-204, 68-11-202, 68-11-209.

Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Steve Goodwin, Health Facility Survey Manager, Division of Health Care Facilities, 227 French Landing, Suite 501, Heritage Place Metrocenter, Nashville, TN 37243, (615) 741-7598.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board for Licensing Health Care Facilities.

Ann Thompson, Director
Board for Licensing Health Care Facilities

Subscribed and sworn to before me this the 3rd day of August, 2006.

Notary Public

My commission expires on the 27th day of January, 2007.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2006.

Riley C. Darnell
Secretary of State

By: _____